

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION

DERRICK McCOWAN §
v. § CIVIL ACTION NO. 2:06cv468
JUDGE BONNIE LEGGAT-HAGAN §

MEMORANDUM ADOPTING REPORT AND RECOMMENDATION
OF THE UNITED STATES MAGISTRATE JUDGE
AND ENTERING FINAL JUDGMENT

The Plaintiff Derrick McCowan, proceeding *pro se*, filed this civil rights lawsuit under 42 U.S.C. §1983 complaining of alleged violations of his constitutional rights. This Court ordered that the case be referred to the United States Magistrate Judge pursuant to 28 U.S.C. §636(b)(1) and (3) and the Amended Order for the Adoption of Local Rules for the Assignment of Duties to United States Magistrate Judges.

McCowan sued State District Judge Bonnie Leggat-Hagan, saying that they revoked his bond and said that he was “drunk” when in fact he was only tired from having been up for two days; McCowan said that Judge Leggat-Hagan “committed perjury” by making this statement. He noted that he had filed several motions trying to resolve the matter but that the clerk either did not file them or did not send him notice that they had been filed. He asked for two million dollars in damages.

On January 10, 2007, the Magistrate Judge issued a Report recommending that the lawsuit be dismissed. The Magistrate Judge observed that judges have absolute immunity from monetary damages for claims made against them for actions taken in their judicial capacity. Dennis v. Sparks, 449 U.S. 24, 27 (1980). Because McCowan’s claims against Judge Leggat-Hagan were for actions taken in her judicial capacity, the Magistrate Judge concluded that she had absolute

immunity. The Magistrate Judge also stated that to the extent that McCowan complained about an improper revocation of his bond, he could not do so through a Section 1983 lawsuit.

A copy of the Magistrate Judge's Report was sent to McCowan at his last known address, return receipt requested, but no objections have been received; accordingly, he is barred from *de novo* review by the district judge of those findings, conclusions, and recommendations and, except upon grounds of plain error, from appellate review of the unobjected-to factual findings and legal conclusions accepted and adopted by the district court. Douglass v. United Services Automobile Association, 79 F.3d 1415, 1430 (5th Cir. 1996) (*en banc*).

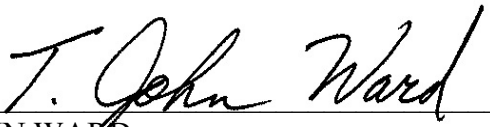
The Court has carefully reviewed the pleadings and documents in this case, as well as the Report of the Magistrate Judge. Upon such review, the Court has concluded that the Report of the Magistrate Judge is correct. It is accordingly

ORDERED that the Report of the Magistrate Judge is hereby ADOPTED as the opinion of the District Court. It is further

ORDERED that the above-styled civil action be and hereby is DISMISSED with prejudice as frivolous. It is further

ORDERED that any and all motions which may be pending in this action are hereby DENIED.

SIGNED this 7th day of March, 2007.



T. JOHN WARD
UNITED STATES DISTRICT JUDGE